COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE Docket No. BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR 13388 EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity) In Re Application Of: Cristobal Guillermo dos Remedios, et al. Application No. Filing Date Customer No. Confirmation No. Examiner Group Art Unit 09/778,259 **February 7, 2001** Changhwa J. Cheu 23389 1641 4496 Invention: BIOMOLECULAR TOXICITY ASSAY **COMMISSIONER FOR PATENTS:** This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of May 13, 2009 in the above-identified application. Date Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated May 13, 2009 finally rejecting Claim(s) 38, 42-48 Applicant(s) hereby request(s) an extension of time of (check desired time period): ☐ One month ☐ Two months ☑ Three months ☐ Four months ☐ Five months August 13, 2009 from: until: **November 13, 2009** Date Date The fee for the Notice of Appeal and Extension of Time has been calculated as shown below: Fee for Notice of Appeal: Fee for Extension of Time: \$555.00 TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$825.00 The fee for the Notice of Appeal and extension of time is to be paid as follows: □ A check in the amount of for the Notice of Appeal and extension of time is enclosed. Please charge Deposit Account No. 19-1013/SSMP in the amount of \$825.00 The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. \mathbf{X} Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-1013/SSMP Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)

Docket No. 13388

In Re Application Of:

Cristobal Guillermo dos Remedios, et al.

Application No. Customer No. Filing Date Examiner Group Art Unit Confirmation No. 09/778,259 23389 4496 February 7, 2001 Changhwa J. Cheu 1641

Invention: **BIOMOLECULAR TOXICITY ASSAY**

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

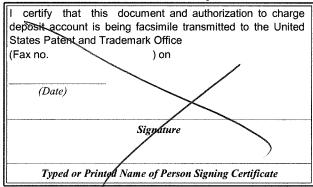
Signature

Dated: November 13, 2009

Xiaochun Zhu Reg. No. 56,311

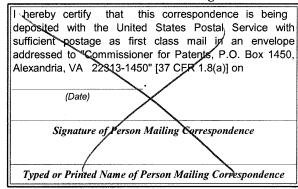
Scully, Scott, Murphy & Presser, P.C.

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